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ACTION NEA-10

INFO OCT-01 ISO-00 OMB-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 IO-11 /071 W

----- 097962

R 211045Z JAN 76

FM AMEMBASSY DACCA

TO SECSTATE WASHDC 9489

INFO AMCONSUL CALCUTTA

AMEMBASSY NEW DELHI

AMEMBASSY ISLAMABAD

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EO 11652: GDS

TAGS: PGOV, PINT, PINS, BG

SUBJ: CRIME, PUNISHMENT -- AND PARDONS -- IN BANGLADESH

SUMMARY. SINCE CHRISTMAS THE MARTIAL LAW REGIME HAS CONCENTRATED MUCH OF ITS ATTENTION ON THE ADMINISTRATION OF JUSTICE AND THE MAINTENANCE OF LAW AND ORDER. THE MARTIAL LAW REGULATIONS (MLRS) HAVE BEEN AMENDED TO INCREASE THE POWER OF MILITARY OFFICERS SERVING AS ZONAL ADMINISTRATORS, TO ADD SMUGGLING TO THE OFFENSES SUBJECT TO THE DEATH PENALTY, AND TO MAKE ANY CRITICISM OF THE MLA A PUNISHABLE ACT. THE MLA HAS ALSO BEGUN TRYING SHEKH MUJIB'S PRINCIPAL LIEUTENANTS ON CORRUPTION CHARGES; THE TRIAL OF ABDU SAMAD HAS ALREADY BEEN COMPLETED AND THE FORMER MINISTER SENTENCED TO "TRANSPORTATION FOR LIFE." BUT THE MLA HAS ALSO REPEALED THE COLLABORATORS ACT OF 1972, RESTORED VOTING RIGHTS TO THOSE CONVICTED AS COLLABORATORS, RELEASED 180 MORE POLITICAL PRISONERS, AND OFFERED TO REVIEW THE CASES OF BANGALEES WHO WERE DEPRIVED OF CITIZENSHIP DURING MUJIB'S TIME. IN REGARD TO INTERNAL SECURITY, THE MLA MAKES MUCH OF ITS ENERGETIC EFFORTS, AND HAS PUBLICIZED TO CAPTURE AN/OR SURRENDER OF "MISCREANTS" IN THE TWO

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SENSITIVE AREAS: THE SUNDERBANS OF KHULNA DISTRICT AND

THE MORTHERN BORDER OF MYMENSINGH. HOWEVER, THE RESOTRATION OF ORDER IS STILL INCOMPLETE. FOR EXAMPLE, WE HAVE BEEN TOLD BY LOCAL RESIDENTS THAT TIGER SIDDIQUI'S SUPPORTERS ATTACKED THE TOWN OF DURGAPAR ON THE BORDER THE NIGHT OF JANUARY 20. MOREOVER, THERE WERE STUDENT CLASHEDS AT DACCA UNIVERSITY LAST WEEK WHICH WERE PUT DOWN BY THE POLICE, BUT UNREST THERE CONTINUES (SEPTEL).
END SUMMARY.

1. ADDITIONS TO THE MLA'S POWERS: THE MLA HAS FOUND IT NECESSARY TO ADD TO ITS POWERS, AS IT YHEKS TO RULE BANGLADESH. A MARTIAL LAW ORDER ISSUED DECEMBER 24 CONFERS ON THE SEVEN ZONAL MARTIAL LAW ADMINISTRATORS (ZMLA'S) RESPONSIBILITY FOR THE OVERALL LAW AND ORDER SITUATION -- INDEROGATION OF POWER NORMALLY HELD BY CIVIL AUTHORITIES -- AND GRANTS THEM BROAD POWERS TO INVESTIGATE ANY PERSON OR ORGANIZATION ON MATTERS RELATING TO LAW AND ORDER AND NATIONAL SECURITY. THE MLR'S WERE ALSO AMENDED TO TRANSFER TO THE DEPUTY AND ZONAL MLA'S AUTHORITY TO REVIEW MARTIAL LAW COURT PROCEEDINGS, A FUNCTION PREVIOUSLY PERFORMED BY SESSIONS JUDGES.

2. THE MLA HAS ALSO STRENGTHENED ITS ABILITY TO MOVE AGAINST DISSIDENTS BY MAKING ANY CRITICISM OF THE MARTIAL LAW REGIME A PUNISHABLE OFFENSE. NEW MLR'S STATE THAT "WHOEVER BY WORD, EITHER SPOKEN OR WRITTEN, OR BY SIGNS OR VISIBLE REPRESENTATIONS OR OTHERWISE CRITICIZES THE IMPOSITION, OPERATION OR CONTINUANCE OF MARTIAL LAW" IS LIABLE TO RIGOROUS IMPRISONMENT UP TO 10 YEARS AND/ OR FINE. THE ADDITIONS TO THE MLRS ALSO CERTAIN THE SAME PENALTIES FOR A VARTY OF PREJUDICIALS ACTS OF THE KIND ALREADY ON THE BOOKS IN THE PENAL CODE, THE SPECIAL POWERS ACT, AND THE EMERGENCY POWERS REGULATIONS. THESE PREJUDICIAL ACTS INCLUDING BRINGING "HATRED OR CONTEMPT" OR EXCITING "DISAFFECTION" TOWARD ANY MARTIAL LAW AUTHORITY; SPREADING REPORTS "CALCULATED TO CREATE FEAR OR ALARM OR DESPONDENCY" AMONG THE PUBLIC; OR ANY ACTS LIKELY TO PREJUDICE DEFENSE, SECURITY, PUBLIC SAFETY, OR INTERESTS OF BANGLADESH. SOME LEADING EDITORS
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HAVE TOLD US THAT THESE REGULATIONS ARE SIMILAR TO THOSE OF PAST MARTIAL LAW REGIMES AND ARE DIRECTED AT POTENTIAL POLITICAL AGITATORS, NOT AT THE PRESS. THEREFORE, THEY EXPECT TO CONTINUE TO ANALYZE EVENTS IN BANGLADESH ALBEIT CIRCUMSPECTLY.

3. THE MLA HAS ALSO ISSUED A MLR PROVIDING THAT DEATH MAY BE THE PENALTY FOR SMUGGLING AND PLACING UPON AN

ACCUSED THE BURDEN OF PROVING THAT SUSPECT GOODS ARE NOT SUMUGGLED. ALTHOUGH THE EMERGENCY RULES ISSUED IN DECEMBER 1974 ALSO MADE SMUGGLING PUNISHABLE BY DEATH, THE FACT THAT THE MLA HAS MADE IT PART OF MARTIAL LAW REGULATIONS IS AN INDICATION OF SERIOUSNESS WITH WHICH IT VIEWS BORDER TRAFFIC IN GOODS.

4. RESTORATION OF RIGHTS: WHILE THE MLA MAY BE ADOPTING MORE EXTENSIVE POWERS AND PROVIDING FOR MORE STRINGENT PENALTIES, IT HAS ALSO EASED THE BURDENS OF MANY WHO SUFFERED UNDER SHEIKH MUJIB. ON DECEMBER 31, THE MLA REPEALED THE COLLABORATORS ORDER (PRESIDENTIAL ORDER NO. 8 OF 1972), AN ACTION GUARANTEED TO PLEASE THE DEFUNCT COMMUNAL AND CONSERVATIVE PARTIES WHOSE LEADERS AND WORKERS (NUMBERING THOUSANDS) WERE PENALIZED FOR COLLABORATING WITH THE PAKISTANI AUTHORITIES IN 1971. THE REPEAL ORDER ALSO DIRECTED THAT ALL CASES NOW PENDING OR IN PROCESS UNDER P.O. NO. 8 BE STOPPED; HOWEVER, APPEALS OF CONVICTIONS MAY CONTINUE. IN A RELATED ACTION THAT IS AN APPARENT PREPARATION FOR THE RESUMPTION OF POLITICAL ACTIVITY, THE MLA AMENDED THE CONSTITUTION TO RESTORE TO THOSE CONVICTED UNDER THIS ORDER THE RIGHT TO VOTE AND THE RIGHT TO STAND FOR ELECTION TO PARLIAMENT. AS A FURTHER STEP IN RECTIFYING WHAT IT CONSIDERS THE ABUSES OF SHEIKH MUJIB'S ERA, THE MLA ANNOUNCED ON JANUARY 17 THAT IT WOULD CONSIDER, UPON APPLICATION, RESTORING CITIZENSHIP TO BANGELEES WHO WERE DEPRIVED OF IT SINCE LIBERATION. THE MLA HAS ALSO GIVEN PUBLICITY TO THE NAMES OF 180 PERSONS RELEASED FROM DETENTION SINCE NOVEMBER 1 UPON REVIEW OF THEIR CASES. ALL HAD BEEN DETAINED EITHER UNDER THE SPECIAL POWERS ACT OR THE EMERGENCY POWER RULES. NONE OF THOSE REALESED, HOWEVER, ARE PROMINENT POLITICALLY.

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USIA-06 DHA-02 IO-11 /071 W

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5. MLA PROCEEDS WITH CORRUPTION CASES: WHILE SOME BANGALEES ARE BEING FOREIGN FOR PRE-INDEPENDENCE ACTIVITIES AND OTHERS WHO OFFENDED THE AWAMI LEAGUE GOVERNMENT LET OUT OF JAIL, SOME SUPPORTERS OF MUJIB ARE ON THEIR WAY TO LONG PRISON TERMS. MOST PROMINENT TO DATE IS ABDUS SAMAD, FORMER AGRICULTURAL MINISTER, WHO WAS SENTENCED JANUARY 15 TO TRANSPORTATION FOR LIFE (I.E., 14 OR LESS) FOR HAVING ACQUIRED PROPERTIES "BEYOND HIS KNOWN SOURCES OF INCOME." BECAUSE OF THE "HIGH POSITION" HE HELD, THE COURT RULED THAT "EXEMPLARY AND DETERRENT PUNISHMENT MUST BE AWARDED TO THE ACCUSED." THE COURT ALSO ORDERED THE CONFISCATION OF APPROXIMATELY \$13,000 WORTH OF PROPERTIES IN SAVAR WHICH WERE BEING HELD IN THE NAME OF SAMAD, HIS THREE SONS, AND TWO NEPHEWS.

6. JUDGEMENT IS EXPECTED THIS WEEK IN THE CASE OF GAZI GOLAM MUSTAFA, FORMER RED CROSS CHIEF AND AWAMI LEAGUE BOSS OF DACCA. ALTHOUGH GAZI WAS POPULARLY CONSIDERED THE MOST CORRUPT MAN IN BANGLADESH, THE MLA INITIALLY BROUGHT HIM TO TRIAL ON THE SOLE CHARGE OF FAILING TO REPAY APPROXIMATELY \$850 DOLLARS IN FOREIGN EXCHANGE BORROWED FROM THE LEAGUE OF RED CROSS IN GENEVA FOR HIS PERSONAL

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EXPENSES AS HEAD OF THE BANGLADESH DELEGATION TO THE OCTOBER 1974 LICROSS MEETING (THE OTHER THREE DELEGATES HAVE REPAYED SIMILAR LOANS). THE PETTINESS OF THE CASE AGAINST GAZI GOLAM HAS AROUSED CONSIDERABLE COMMENT; SEVERAL LAWYERS HAVE POINTED OUT THAT THE OFFENSE IS AT BEST A CIVIL MATTER OF FAILURE TO REPAY A DEBT, NOT A CRIMINAL ONE. PERHAPS AWARE OF THIS REACTION, THE MLA HAS NOT AWAITED THE JUDGEMENT IN THIS CASE, BUT HAS ALREADY BEGUN TRYING GAZI GOLAM ON TWO MORE CHARGES OF ABUSE

OF POWER AND MISUSE OF RED CROSS FUNDS.

7. A NUMBER OF OTHER LEADERS AND BENEFICIARIES OF THE OLD REGIME, WHILE NOT CHARGED WITH CORRUPTION, ARE FACING A SPECIAL KIND OF ROUGH JUSTICE. ON JANUARY 5, THE GOVERNMENT ANNOUNCED THAT 66 HOUSES HAD BEEN RECOVERED FROM EX-MINISTERS, EX-MPS, AND OTHER LEADERS OF THE FORMER RULING PARTY AND THEIR RELATIVES WHO GAINED POSSESSION OF THE HOUSES BY "UNDUE INFLUENCE AND IN IMPROPER CONSIDERATIONS." HOUSES HELD IN THE NAME OF THE AWAMI LEAGUE, ITS FRONT GROUPS, AND THE COMMUNIST PARTY ALSO RECOVERED. ALTHOUGH THE OCCUPANTS REPORTEDLY WERE GIVEN A MONTH'S NOTICE TO LEAVE, WE UNDERSTAND THAT MANY WERE UNCEREMONIOUSLY EVICTED.

8. THE MLA AND LAW AND ORDER: THE MLA IS USING ITS POWERS, AND THE OVERALL LAW AND ORDER SITUATION IN BANGLADESH HAS SHOWN IMPROVEMENT. THE GOVERNMENT HAS CHOSEN TO PUBLICIZE SUCCESSES IN TWO AREAS: THE SUNDERBANS OF KHULNA DISTRICT AND THE MYMENSNGH BORDER. THE MONTH-LONG POLICE CAMPAIGN IN THE SARANKHOLA THANA OF LHULNA CULMINATED JANUARY 4 WITH THE ARREST OF EX-MAJOR ZIAUDDIN AHMED WHO HAD DESERTED THE ARMY AFTER NOVEMBER 7 (DACCA 5924). THE POLICE ANNOUNCED THAT MORE THAN 100 MEMBERS OF ZIAUDDIN'S "GANG" HAD BEEN ARRESTED, AND "HUGE QUANTITY" OF ARMS AND AMMUNITION RECOVERED. A BANGLADESH RIFLES PRESS RELEASE OF JANUARY 7 DESCRIBED THE SECURITY FORCES RECENT ACCOMPLISHMENTS IN THE NALITABARI, HALUAGHAT, SCREEBORDI POLICE STATIONS IN MYMENSINGH, ANNOUNCING THE SURRENDER OF 21 "MISCREANTS", THE CAPTURE OF FOUR OTHERS, AND THE RECOVERY OF WEAPONS AND AMMUNITION. THE BDR STRESSED THAT IT HAS DRIVEN THE MISCREANTS OUT

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OF THE AREA BY THE MIDDLE OF DECEMBER AND RESTORED "COMPLETE NORMALCY."

9. HOWEVER IMPROVED THE SITUATION MAY BE, IT CANNOT YET BE SAFELY CALLED "MORMAL". FOR EXAMPLE, ON JANUARY 21 MISSION PERSONNEL ON TOUR WITH THE VISITING ASSISTANT AID ADMINISTRATOR CARDINER WERE ASKED NOT TO VISIT A WORLD FOOD PROGRAM PROJECT IN DURGAPUR ON THE MYMENSNGH AREA. THE RECEPTION COMMITTEE WHICH MET THEIR HELICOPTER TOLD THE MISSION PARTY THAT IT WOULD BE PREFERABLE IF THEY LEFT AS SOON AS POSSIBLE BECAUSE DURGAPUR WAS NOT SECURE. THE LOCAL PEOPLE SAID THAT THE EVENING BEFORE MEMBER OF THE "KADER BAHINI" HAD ATTACKED DURGAPUR WITH MORTARS AS WELL AS SMALL ARMS. SEVERAL PEOPLE WERE APPARENTLY KILLED AND A NUMBER INJURED. THERE HAS BEEN NO RPT NO PUBLIC MENTION OF SUCH AN INCIDENT. AND DACCA

HAS ALSO BEEN THE SCENE OF TROUBLE. ON THE NIGHT OF JANUARY 14, A STUDENT CLASH TOOK PLACE WHICH HAS COME TO AFFECT ALL OF DACCA UNIVERSITY. SINCE IT POSES A VERY PARTICULAR CHALLENGE TO THE MLA, WE ARE REPORTING ITS CIRCUMSTANCES SEPARATELY.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARTIAL LAW, GOVERNMENT REFORM, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JAN 1976
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976DACCA00392
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760024-0681
From: DACCA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760136/aaaabfbx.tel
Line Count: 283
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 11 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 MAY 2004 by ifshinsr>; APPROVED <14 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CRIME, PUNISHMENT -- AND PARDONS -- IN BANGLADESH SUMMARY. SINCE CHRISTMAS THE MARTIAL LAW REGIME HAS
TAGS: PGOV, PINT, PINS, BG
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006